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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 DERWIN EVANS, an individual,

Case No. 2:22-cv-00448-ART-BNW

12 Plaintiff,

13 vs.

14 STATE FARM MUTUAL AUTOMOBILE INSURANCE
15 COMPANY, a foreign corporation; DOES I-X, and
16 ROE CORPORATIONS I-X, inclusive,

17 Defendant.

18 **STIPULATION AND ORDER TO EXTEND DISCOVERY (FOURTH REQUEST)**

19 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record,
20 hereby stipulate and request that this Court extend the rebuttal expert disclosure deadline by 30 (thirty)
21 days.

22 In support of this stipulation and request, the parties state as follows:

23 **A. DISCOVERY THAT HAS BEEN COMPLETED**

- 24 1. On April 14, 2022, the parties conducted an initial FRCP 26(f) conference.
- 25 2. On April 28, 2022, Plaintiff served his FRCP 26 Initial Disclosures.
- 26 3. On May 10, 2022, Defendant served his FRCP 26 Initial Disclosures.
- 27 4. On May 13, 2022, Defendant served written discovery on Plaintiff. Plaintiff served
28 his written discovery responses on June 15, 2022.
5. On August 23, 2022, Plaintiff served his first supplemental FRCP 26 Disclosure.
6. On September 14, 2022, Plaintiff served written discovery on Defendant State Farm. State Farm served its responses on November 16, 2022.

7. On November 18, 2022, Plaintiff served his second supplemental FRCP 26 Disclosure.
8. On January 25, 2023, Defendant served its second supplemental FRCP 26 Disclosure.
9. On February 16, 2023, Defendant served its third supplemental FRCP 26 Disclosure.
10. On March 2, 2023, Plaintiff served his third supplemental FRCP 26 Disclosure.
11. On March 6, 2023, Defendant served its fourth supplemental FRCP 26 Disclosure.
12. On April 25 2023, Plaintiff served his fourth supplemental FRCP 26 Disclosure.
13. On May 18, 2023, Plaintiff served his fifth supplemental FRCP 26 Disclosure and his designation of expert witnesses.
14. On May 18, 2023, Defendant served its designation of expert witnesses.
15. On May 23, 2023, Plaintiff served his sixth supplemental FRCP 26 Disclosure.
16. On June 8, 2023, Defendant served its sixth supplemental FRCP 26 Disclosure.
17. Plaintiff's deposition was taken on June 22, 2023.
18. On June 23, 2023, Plaintiff served his rebuttal expert witness disclosure and seventh supplemental FRCP 26 Disclosure.
19. On July 20, 2023, Defendant served its seventh supplemental FRCP 26 Disclosure.
20. On August 1, 2023, Plaintiff served his eighth supplemental FRCP 26 Disclosure.
21. Plaintiff's lay witness, Sabrian Evans' deposition was taken on August 1, 2023.
22. Plaintiff's lay witness, Jamie Mills' deposition was taken on August 2, 2023.
23. Plaintiff's lay witness, Twone James' deposition was taken on August 2, 2023.
24. Plaintiff's lay witness, Tatianuna Dillingham's deposition was taken on August 3, 2023.
25. David J. Oliveri, MD's deposition was taken on August 8, 2023.
26. Jeffrey Stempel's deposition has been set for August 16, 2023.
27. Charles Sutherland's deposition has been set for September 14, 2023.
28. Daniel Lee, M.D.'s deposition has been set for September 15, 2023.

B. DISCOVERY REMAINING:

1. Jeffrey Stempel's deposition has been set for August 16, 2023;
2. Charles Sutherlands deposition has been set for September 14, 2023;
3. Daniel Lee, MD's deposition has been set for September 15, 2023;
4. Defendant's lay witness depositions; and
5. Any other potential depositions or written discovery which may become necessary as discovery continues.

C. REASONS REMAINING DISCOVERY CANNOT BE COMPLETED WITHIN THE TIME SET BY PRIOR DISCOVERY PLAN:

The parties have diligently engaged in discovery in this matter, however, due to unforeseen circumstances, the parties believe that an extension of the current discovery and trial deadlines is necessary to complete the remaining discovery. Good cause exists to continue the rebuttal expert disclosure deadlines because one of Plaintiff's rebuttal experts- Matthew D. Mecham, M.S., P.E.- has informed Counsel that without an extension, he will not be able to review all the necessary materials and complete a satisfactory report in time for the current disclosure deadline given his other scheduled obligations. However, he has assured Counsel that he will be able to complete his report within the 30 days requested here. Counsel has already retained Mr. Mecham, and he is presently working on his report. Accordingly, Counsel is confident that it will be completed by the proposed adjusted deadline of September 18th, 2023.

The parties are requesting a 30-day extension of the rebuttal expert disclosure deadline in order to allow all experts the necessary time to review materials and produce complete reports on their opinions. No party will be prejudiced by the extension, and the requested extension is made in good faith and not for purposes of delay. Based on the foregoing, the parties respectfully request that the Court grant their joint request to extend the deadline by 30 days in accordance with the requested amended discovery deadlines.

D. PROPOSED SCHEDULE FOR COMPLETION OF DISCOVERY

Current Discovery Deadlines:

Last day to amend pleadings and add parties

October 21, 2022

Last day to disclose initial experts:	May 18, 2023
Last day to disclose rebuttal experts:	August 17, 2023
Close of Discovery:	September 15, 2023
Last day to file Dispositive Motions:	October 19, 2023
Proposed Discovery Deadlines:	
Last day to amend pleadings and add parties	Closed
Last day to disclose initial experts:	Closed
Last day to disclose rebuttal experts:	September 18, 2023
Close of Discovery:	September 15, 2023
Last day to file Dispositive Motions:	October 19, 2023

E. CURRENT TRIAL DATE

A trial date has not been set.

IT IS SO STIPULATED.

Dated August 14, 2023.

Dated August 14, 2023.

THE POWELL LAW FIRM

LEWIS BRISBOIS BISGAARD & SMITH LLP

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By: /s/ Jennifer A. Taylor
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ORDER

IT IS HEREBY ORDERED that the expert rebuttal disclosure deadline is continued thirty (30) days to September 18, 2023.

Dated this 15th day of August, 2023.


UNITED STATES MAGISTRATE JUDGE